

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2981 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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GAURAV KUMAR @ GAURAV RAI Son of Late Amrit Ram Resident of
Village - Goni Ghardh, P.S.- Mufassil, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.09.2022, in connection with Shekhopur Sarai P.S. Case No.
149/2022, F.I.R. dated 17.09.2022, for the offences punishable
under Sections 341, 447, 504, 506, 354(B)/34 of the Indian
Penal Code and Section 8 of POCSO Act and Sections 3(ii) (r)
(s) (w) (I)/2 (va) SC/ST Act and u/s 37 of Bihar Prohibition and
Excise Act.

According to prosecution case, the petitioner is alleged
to have forcibly caught the hand of the victim and tried to take
her to the house of one Kundan Chaudhary and when the victim
raised alarm then the nearby people assembled there and caught



the petitioner and handed him over to the police.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. In fact, no such occurrence has ever taken place and even the prosecution has not examined the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District & Sessions Judge, Sheikhpura, in connection with Shekhopur Sarai P.S. Case No.149/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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